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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,359	09/28/2000	Nikolaus P.W. Almassy	TI-31690	7554

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EXAMINER

EWART, JAMES D

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/672,359

Applicant(s)

ALMASSY, NIKOLAUS P.W.

Examiner

James D Ewart

Art Unit

2683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: 5-21,28-38,42 and 43.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1,4,22-27,39-41 and 44.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_



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Continuation of 3. Applicant's reply has overcome the following rejection(s): objection of claims 5 and 28, the amendment has placed these claims in condition for allowance.

Regarding claims 1 and 26, examiner interprets the scheduler of Brennan et al. in Table 3 in which the call is directed to either the car, office, home or cottage combined with the message responses of table 1, which indicates a plurality of announcements, as message response groups. There could be different responses depending on the location where the call is directed or they could be the same, but examiner considers this as groups of responses. Handling the message response at the mobile device is an obvious modification of Brennan et al and Examiner uses the Higuchi reference to show a teaching of a plurality of message responses handled by the mobile device..

Regarding claim 4, Brennan et al. discusses selecting a message response group in response to the time of day see table 3.0 time (Time).

Regarding claims 22 - 24, 39 and 40 Brennan et al discusses providing the caller ID to the subscriber and states that: "incoming call management is provided with an "an announcement of Caller Identification" which allows subscribers the decision to take a call once they know who is calling" see Column 2, Line 66 to Column 3, Line 2. The announcement could be on the display. Brennan et al goes on to say that "the pager receives and displays a numeric message entered by the caller. If the caller does not enter a digital code for transmission to the pager, the PCS can provide the pager with the CLID of the caller" see Column 9, Line 66 to Column 10, Line 2. If the subscriber does not accept the message, then a message response, which would be selected according to table 1 via the name column, would be provided to the caller.

Regarding claim 25, Brennan et al discusses providing the caller ID to the subscriber and states that: "incoming call management is provided with an "an announcement of Caller Identification" which allows subscribers the decision to take a call once they know who is calling" see Column 2, Line 66 to Column 3, Line 2. which examiner equates with audible indicator. In addition, Brennan et al also states "the pager receives and displays a numeric message entered by the caller. If the caller does not enter a digital code for transmission to the pager, the PCS can provide the pager with the CLID of the caller" see Column 9, Line 66 to Column 10, Line 2. This means that the phone provides a display indicator as well as audible indicator, but examiner must only show one of the group of indicators. Regarding the message response, Brennan et al teaches forwarding the call to another telephone (Column 3, Line 62 – Column 3, Line 14).

Regarding claim 27, mobile phones inherently have switches for turning the mobile phone on and off. Transistors are also considered switches. Brennan et al teaches providing the message response based on the time of day (Column 6, Lines 50-68). Further, Davis teaches manually switching the message response (see 0071 last two lines)